



Rule Fact Sheet

December 15, 2009

Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material at Laboratories Owned by Colleges and Universities and Other Eligible Academic Entities

LSA Document #09-613

Overview

Establishes an alternative set of generator requirements applicable to laboratories owned by colleges and universities.

Citations Affected

329 IAC 3.1-1-7.

Affected Persons

Laboratories owned by colleges and universities and other eligible academic entities owned by colleges and universities that generate hazardous waste.

Reason(s) for the Rule

Adopts new federal rules for hazardous waste determination and accumulation of unwanted material at laboratories owned by colleges and universities and other eligible academic entities published in the Federal Register on December 1, 2008 (73 FR 72912-72960).

Economic Impact of the Rule

Estimated annual cost savings of up to \$72,000.

Benefits of the Rule

Provides a flexible and protective set of regulations that address the specific nature of hazardous waste generation and accumulation in laboratories at colleges and universities, as well as other

eligible academic entities formally affiliated with colleges and universities.

Description of the Rulemaking Project

This rule proposes to incorporate by reference one (1) change to the July 1, 2008 edition of the federal hazardous waste management regulations in 40 CFR 260 through 40 CFR 273. This rule would adopt the federal rule amendment entitled "Standards Applicable to Generators of Hazardous Waste; Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material at Laboratories Owned by Colleges and Universities and Other Eligible Academic Entities Formally Affiliated With Colleges and Universities," promulgated by the U.S. Environmental Protection Agency (EPA) on December 1, 2008 (73 FR 72912-72960). This rule establishes an alternative set of generator requirements applicable to laboratories owned by eligible academic entities. The rule provides a flexible and protective set of regulations that address the specific nature of hazardous waste generation and accumulation in laboratories at colleges and universities, as well as other eligible academic entities formally affiliated with colleges and universities. This final rule is optional and colleges and universities and other eligible academic entities formally affiliated with a college or

universities have the choice of managing their hazardous wastes in accordance with the new alternative regulations as set forth in this final regulation or remaining subject to the existing generator regulations. EPA considers this rule to be neither more or less stringent than the existing federal hazardous waste program.

Scheduled Hearings

First Public Hearing: November 17, 2009.

Second Public Hearing: March 16, 2010.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

This rule is consistent with the federal hazardous waste program at 40 CFR 260 through 40 CFR 279.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the department's responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Solid Waste Management Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule is reviewed for form and legality by the Attorney General, signed by the Governor, and becomes effective 30 days after filing with Legislative Services.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Steve Mojonier, Rules Development Branch, Office of Legal Counsel, (317) 233-1655 or (800) 451-6027 (in Indiana).